

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**SOUTHWESTERN BELL TELEPHONE §  
COMPANY D/B/A AT&T TEXAS §**

**VS.**

**F. CARY FITCH D/B/A AFFORDABLE §  
TELECOM §**

**CASE NO. 4:09-CV-01548**


**ORDER**

Southwestern Bell Telephone Company d/b/a AT&T Texas (“AT&T Texas”) has filed a Motion for Award of Fees and Costs pursuant to Federal Rule of Civil Procedure 54(d)(1) and (2). Defendant F. Cary Fitch d/b/a Affordable Telecom has filed no objection to the amount of attorneys’ fees or costs that AT&T Texas seeks and has stipulated that the amount of attorneys’ fees is reasonable and the fees and costs are recoverable by the prevailing party. It is therefore

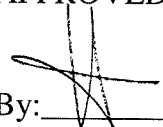
**ORDERED, ADJUDGED, AND DECREED** that Plaintiff AT&T Texas recover from Defendant F. Cary Fitch d/b/a Affordable Telecom reasonable and necessary attorneys’ fees and costs in the amount of \$203,707.70, for which let execution issue. It is further

**ORDERED, ADJUDGED, AND DECREED** that, in the event of an unsuccessful appeal by Defendant to the Fifth Circuit, Plaintiff AT&T Texas have and recover \$75,000.00 in attorneys' fees from Defendant for briefing and, if necessary, argument in the Fifth Circuit.

SIGNED at Houston, Texas, this 15<sup>TH</sup> day of **August, 2011**.

  
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Nancy F. Atlas  
United States District Judge

APPROVED AS TO FORM:

  
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